IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 307 OF 2007

Mr. Manohar Mahadev Shinde .. Applicant
V/s
The State of Maharashtra ..Respondent.

Mr. K. R. Jagadale, Advocate for the application

Mr. Raja Thakare, Special Public Prosecutor for the State.

CORAM : J.H. BHATIA, J.

DATE : 12TH FEBRUARY, 2007.

P.C.

. Heard Mr. Jagadale, learned Counsel for the applicant and Mr. Raja Thakare, learned Special Public Prosecutor for the State.

2. By this application, the applicant seeks to be released on bail in Sessions Case No.. 100/2006 arising out of Crime No.93/2003 of Malbar Hill Police Station under Section 302, 397, 354 r/w section 34 and section 120B IPC. Earlier his bail application was rejected on 3rd May, 2006. By order dated 15th December, 2006 the applicant was granted temporary bail for a period of

four weeks with effect from 20th December, 2006 on the ground that his wife was to undergo knee operation. By this application, he seeks bail on the ground that because of high blood pressure his wife could not be operated upon at that time and she was rescheduled to be operated on 7th February, 2007. Further, he contends that other accused have been granted bail and on the principle of parity also, he deserves to be granted bail. Application is opposed by the prosecution.

3. Question of party will not apply because the application of the present applicant was rejected by this Court on 3rd May 2006 on its own merits taking into consideration the role of the present applicant in the crime, while other accused were granted bail as per merits of their case. By order dated 15th December 2006, he was granted temporary bail for four weeks on medical ground of his wife. Again he request bail on the same ground. It appears that as applicant could not secure bail on merits, repeatedly he is trying to get temporary bail on the ground of ailment of his wife. In fact, there is nothing to show that his wife is suffering from any serious ailment. Knee pain is not such ailment for which bail may be granted in such a

serious offence.

3. Application stands rejected.

(J.H. BHATIA, J.)